

MEMO ENDORSED

Green & Willstatter
ATTORNEYS AT LAW
200 MAMARONECK AVENUE
SUITE 605
WHITE PLAINS, NEW YORK 10601

THEODORE S. GREEN
RICHARD D. WILLSTATTER

(914) 948-5656
FAX (914) 948-8730

E-MAIL: THEOSGREEN@MSN.COM

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Hon. Kenneth M. Karas
United States District Court
300 Quarropas Street
White Plains, New York 10601

re: *United States v. Copeland*, 21-cr-521 (KMK)

Dear Judge Karas:

At the June 15, 2023, conference, the Court scheduled a trial to commence some 3 ½ weeks later, on July 10, 2023. At the time, I expressed concerns about the trial date, but I am writing now to make a fuller record and to request an adjournment of the trial.

I was appointed to this case on March 30, 2023, substituting for prior counsel. Two days earlier, the government filed a three-count superseding indictment that, in contrast to the original one-count indictment alleging an offense occurring on a single date in 2020, now encompasses the time period 2016-2020. I expect that the government will also seek to introduce testimony of alleged prior acts from years earlier.

Since being appointed to this case, I have been diligently preparing it. A significant part of that preparation has involved conducting an investigation in an effort to reconstruct events during the 2016-2020 period, including as to the various locations where the defendant was during these years, who was there, and what their recollections are. I have obtained the services of an investigator to assist with this. The defense has made much progress in this, but there are still additional persons that we wish to speak to and determine whether to call as trial witnesses.

Following argument on June 15 regarding proposed defense subpoenas duces tecum, I promptly circulated to counsel re-drafts of those subpoenas, arrived at a consensus with counsel, and today submitted those to the Court. I have also submitted today, *ex parte*, a number of proposed witness subpoenas. Once I have the so-ordered witness subpoenas in hand, I will need to submit them to the U.S. Marshals Service for service. If my request for a trial adjournment is granted, I can submit amended subpoenas to be so-ordered with a different return date.

Further, prior to the June 15 conference, I had been consulting with a particular expert in anticipation that the government might offer certain expert testimony. At the June 15 conference, the government disclosed that it would be calling experts, and was directed to provide formal expert notice by June 23. I cannot now determine whether it will be necessary to call the aforementioned

expert; however, in the event that I need, to, I have learned that the aforementioned defense expert will be unavailable until September 2023.

Accordingly, the defense seeks an adjournment of the trial date until a date in early September 2023, in order to ensure that counsel has sufficient time to prepare and present a case.

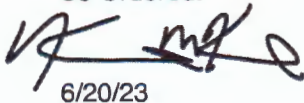
Very truly yours,

/s/ Theodore S. Green
Theodore S. Green

cc: All counsel (by ECF)

Denied. First, this case is two years old and has been delayed, repeatedly, by Defendant's antics and other delay tactics, including his supposed accident in a shower that he used to avoid appearing at last week's conference. Second, the Superseding Indictment was filed nearly three months ago and so counsel has had plenty of time to prepare a defense. Third, this trial is not expected to be particularly lengthy, as the Government estimates it only needs approximately six trial days. Fourth, the Court will expeditiously review any subpoenas that Mr. Green submits. Fifth, as the Government notes, the victim's interests here are compelling and require a speedy trial. In particular, the victim is not currently in school, as it is the summer break. Delaying the trial could require the victim to testify during the school year, which presents obvious and unnecessary challenges for the victim. This trial will start as scheduled.

So Ordered.



6/20/23